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[Headquarters Delegation 25-3, 1200 TN-350](#) dated May 11, 1994

REGION 6
DELEGATION

TN-202
March 8, 1996

ORGANOTIN ANTIFOULING PAINT CONTROL ACT OF 1988

R6-25-3. Administrative Enforcement: Issuance of Complaints
and Signing of Consent Agreements

1. AUTHORITY. Pursuant to the Organotin Antifouling Paint Control Act of 1988 (OAPCA), to issue complaints; to evaluate the appropriateness of civil penalties; and to negotiate and sign consent agreements memorializing settlements between the Agency and respondents.

2. TO WHOM DELEGATED. The Director, Multimedia Planning and Permitting Division.

3. LIMITATIONS.

a. The designee must consult with the Assistant Administrator for Enforcement and Compliance Assurance or designee before exercising any of the above authorities. In addition, once the alleged violator files an answer or fails to file an answer in the specified time period, the Regional Counsel or designee and technical program staff will conduct all negotiations.

b. The authority to promulgate rules of practice governing public hearings conducted in the assessment of a civil penalty against a violator of the Act is reserved to the Administrator.

c. The delegatee must consult with Regional Counsel before exercising any of the above authorities.

4. REDELEGATION AUTHORITY. This authority may not be further redelegated.

5. ADDITIONAL REFERENCES.

a. Section 10 of OAPCA.

b. The Agency official who signed the complaint should sign the settlement agreement.

c. The Office of Prevention, Pesticides, and Toxic Substances will waive consultation by memorandum as Regional Offices gain experience in particular programs.

Delegation of Authority from the
Regional Administrator